

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SimpleAir, Inc.,

Plaintiff,

vs.

Google Inc., et al.,

Defendants.

Civil Action No. 2:14-cv-00011-JRG
LEAD CASE

SimpleAir, Inc.,

Plaintiff,

vs.

Google Inc.,

Defendant.

Civil Action No. 2:13-cv-00937-JRG

SimpleAir's Response to Google's Motion to Redact Transcript [Dkt. 146]

SimpleAir opposes Google's Motion for two reasons.

(1) Google's motion does not establish that any of the 19 sections of the transcript from the April 28 hearing should be redacted under the applicable standard. In fact, Google does not identify or discuss the standard or provide any explanation or showing of how the standard is met as to any of the 19 sections Google seeks to redact.

(2) Based on the Court's rulings in the prior case (*see* dkt. 651 (2/25/14 Order) in '416 case), SimpleAir does not believe the standard is met for sealing (because the courtroom was not sealed during the April 28 hearing), much less redacting, the transcript. Moreover, to the extent

that redaction means the appellate court would not have access to any redacted material,¹ this would prejudice SimpleAir in any appellate review of this Court's discovery rulings or related findings.

For those reasons, SimpleAir opposes.

Date: June 22, 2015

Respectfully submitted,

By: /s/ Jeff Eichmann
John Jeffrey Eichmann
CA State Bar No. 227472
(admitted to practice before the U.S. District
Court for the Eastern District of Texas)
Simon Franzini
CA State Bar No. 287631
(admitted to practice before the U.S. District
Court for the Eastern District of Texas)
DOVEL & LUNER, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Telephone: 310-656-7066
Facsimile: 310-657-7069
Email: jeff@dovel.com
Email: simon@dovellaw.com

S. Calvin Capshaw
State Bar No. 03783900
Email: ccapshaw@capshawlaw.com
Elizabeth L. DeRieux
State Bar No. 05770585
Email: ederieux@capshawlaw.com
Capshaw DeRieux LLP
114 E. Commerce
Gladewater, Texas 75647
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

ATTORNEYS FOR PLAINTIFF
SIMPLEAIR, INC.

¹ *Id.* at 2 (“Redaction, unlike sealing of the record, permanently removes that item from the transcript. As a result, the appellate court is deprived of the redacted information.”).

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I certify that this document is being served on counsel of record by email on the filing date listed above.

/s/ Jeff Eichmann